

COMMONWEALTH OF MASSACHUSETTS

Worcester, ss.

Superior Court
Department of the Trial Court
of the Commonwealth
Civil Action

No. 05-0194 52

CitiBank, N.A. as Trustee

Plaintiff (s)

v.

John P. Phelan, Wendy M. Phelan, David La Brie,
The United States of America,
O'Callaghan Construction Company and the Commonwealth
of MA DOR

Defendant (s)

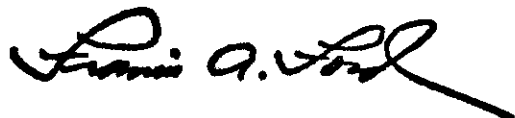
SUMMONS

* To the above-named Defendant: John P. Phelan, 1 Catacunamaug Road, Shirley, MA 01464

You are hereby summoned and required to serve upon Raymond C. Pelote
Harmon Law Offices, P.C., plaintiff's attorney,
whose address is 150 California St., Newton, MA 02458
an answer to the complaint which is herewith served upon you, within 20 days after
service of this summons upon you, exclusive of the day of service. If you fail to do so,
judgement by default will be taken against you for the relief demanded in the complaint.
You are also required to file your answer to the complaint in the SUPERIOR COURT
Department of the Trial Court at WORCESTER either before service upon plaintiff's
attorney or within a reasonable time thereafter.

Unless otherwise provided by Rule 13 (a), your answer must state as a counter-
claim any claim which you may have against the plaintiff which arises out of the
transaction of occurrence that is the subject matter of the plaintiff's claim or you will
thereafter be barred from making such claim in any other action.

Witness, SUZANNE V. DEL VECCHIO, Esquire, at Worcester, the ninth
day of February in the year of our Lord two thousand and five


Clerk

NOTES:

1. This summons is issued pursuant to Rule 4 of the Massachusetts Rules of Civil Procedure.
2. When more than one defendant is involved, the names of all defendants should appear in the caption.
If a separate summons is used for each defendant, each should be addressed to that particular defendant.

PLEASE CIRCLE TYPE OF ACTION INVOLVED: TORT — MOTOR VEHICLE TORT —
CONTRACT EQUITABLE RELIEF — CH. 93A — MEDICAL MALPRACTICE — OTHER.

* NOTICE TO DEFENDANT: You need not appear personally in court to answer the complaint, but
if you claim to have a defense, either you or your attorney must serve a copy of your written
answer within 20 days as specified herein AND also file the original in the Clerk's Office, Superior
Court, Room 21.

PROOF OF SERVICE OF PROCESS

I hereby certify and return that on



Middlesex Sheriff's Office • Civil Process Division, P.O. Box 7135, Lowell, MA 01852-0135 • (978) 452-3221
Middlesex, ss.

March 28, 2005

I hereby certify and return that on 3/25/2005 at 2:25PM I served a true and attested copy of the SUMMONS, COMPLAINT, CIVIL ACTION COVER SHEET, TRACKING ORDER, EXHIBIT in this action in the following manner: To wit, by leaving at the last and usual place of abode of JOHN P PHELAN, 1 CATACUNAMAUG Road, Shirley, MA 01464. Attest (\$5.00), Basic Service Fee (\$20.00), Conveyance (\$4.50), Postage and Handling (\$1.00), Travel (\$16.36) Total Charges \$46.86

Deputy Sheriff

Deputy Sheriff

PLEASE PLACE DATE YOU MAKE SERVICE ON DEFENDANT IN THIS BOX
ON THE ORIGINAL AND ON COPY SERVED ON DEFENDANT.

, 20

COMMONWEALTH OF MASSACHUSETTS

Worcester, ss.

Superior Court
Civil Action

No. 05-00197-B

CitiBank, N.A., As Trustee
.....Plaintiff

v.

John P. Phelan, et al.
.....Defendant

SUMMONS

(Mass. R. Civ. P. 4)

HARMON LAW OFFICES, P.C.

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RAYMOND C. PELOTE
(617) 558-8496
(617) 244-7304 Facsimile
rpelote@harmonlaw.com

March 30, 2005

United States District Court
District of Massachusetts
Civil Clerk's Office
John Joseph Moakley US Courthouse
1 Courthouse Way
Boston, MA 02210

Re: Citibank, N.A., as Trustee v. John P. Phelan, et al.
Worcester Superior Court C.A. No. 05-00197-B

Dear Sir/Madam:

Enclosed for filing please find the original summons with sheriff's return of service for John P. Phelan in connection with the above-referenced case.

Thank you for your assistance in this matter.

Sincerely yours,
HARMON LAW OFFICES, P.C.

Raymond C. Pelote

RCP:mmj
Enclosures

04-40045-FDS

MASSACHUSETTS
DISTRICT COURT
APR 11 2005
11:52